

### **III. REMARKS**

Claims 23 and 26-30 are pending in this application. Claims 23, 29, and 30 are amended. Claims 31-33 are canceled. Claims 1-22 and 24-25 were previously canceled. In its Decision decided July 9, 2009, the USPTO Board of Patent Appeals and Interferences concluded the Office erred in rejecting claims 23 and 26-33 under 35 USC 112, first paragraph, and under 35 USC 101, erred in rejecting claims 23 and 26-30 under 35 USC 103(a), and did not err in rejecting claims 31-33.

Applicant does not acquiesce in the correctness of the rejections and reserves the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the claims in a subsequent patent application that claims priority to the instant application.

#### **A. DISCUSSION OF AMENDMENTS AND CANCELED CLAIMS**

Applicant has amended claims 23, 29, and 30 to tie these method claims to a statutory apparatus.

Without conceding the correctness of the rejection and to facilitate early allowance of the claims, Applicant has canceled claims 31-33.

Applicant respectfully submits that claims 23 and 26-30 are in condition for allowance.

#### **IV. CONCLUSION**

In light of the above, Applicant respectfully submits that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/David E. Rook/

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